

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155
)	
Forum to Discuss Toll-Free Number Administration)	NSD File No. L-02-00
)	

AT&T CORP. COMMENTS

Pursuant to the Commission's *Notice*,¹ AT&T Corp. ("AT&T") submits these Comments in support of the Commission's initiative to work with industry participants in discussions surrounding toll-free issues and accepts its invitation to participate in the upcoming forum.²

AT&T applauds the Commission's Notice, evidencing outreach to interested parties and strongly suggests that the up-coming forum be the first of a targeted series of discussions between the industry, toll-free customers, interested parties and the commission. AT&T believes that such efforts are a necessary step in developing efficient, market-based approaches to addressing important, customer affecting toll-free issues. The issues and questions identified in the Notice fall into two broad categories: first, maintaining and improving administrative

¹ Public Notice, *Common Carrier Bureau Invites Interested Parties To Participate In A Forum To Discuss Toll-Free Number Administration*, NSD File No. L-02-00, CC Docket 95-155, DA 02-167 (Released January 18, 2002) ("Notice").

² AT&T reminds the Commission that the Ordering and Billing Forum ("OBF") scheduled their quarterly industry gathering for the Week of February 11th to 15th 2002.

functionality³ and second, revisions to current rules.⁴ These categories suggest a natural course of discussion and procedural treatment.

As a threshold matter, the *DSMI Letter*⁵ directives and associated rules discussions should be addressed in a forum format that facilitates the inclusion of important customer perspectives. A particularly vexing issue for AT&T and a number of other Responsible Organizations (“Resp Orgs”) is the often stated, but still insufficiently defined or substantiated, “problems” cited by members of the Commission staff.⁶ On numerous occasions AT&T and other Resp Orgs have requested the Commission staff provide detailed information regarding the general problems cited as the impetus for the *DSMI Letter* and all subsequent Commission activity. A necessary predicate to a constructive and useful dialog between the Commission and industry, therefore, would be detailed explanations and examples of the problems the Commission staff have heretofore raised.⁷

The value of the forum approach would thus be greatly enhanced if the Commission and interested parties could, as an initial matter, discuss the specifics surrounding such problems with appropriate input from affected customers. Once an informed understanding of the asserted

³ See *Notice* at 2 (“Whether the toll-free number administration system should be restructured”) *id.* at 3 (“Whether a fee-based system of toll-free administration should be established”).

⁴ See *Notice* at 2 (“Whether to modify the Commission’s toll-free rules”); *id.* at 1 (“Whether implementation of the directives in the *DSMI Letter* should occur”).

⁵ Letter from L. Charles Keller, Chief, Network Services Division, to Mr. Michael Wade, President, Database Services Management, Inc., DA 00-2754 (rel. Dec. 7, 2000) (“*DSMI Letter*”).

⁶ For example, the Notice provides that “[a] forum . . . will enable the Bureau to focus on the problems identified with the current toll-free system.” *Notice* at 2.

⁷ AT&T and the other Resp Orgs understand that, there may be issues of confidentiality associated with specific examples of “problems” that may exist. AT&T has been and remains willing to accommodate all reasonable requests to protect these confidentiality concerns.

problems is provided, the balance of the rules issues raised in the *Notice*: concerning modification, implementation of the *DSMI Letter* directives, and other related aspects can reasonably be addressed in logical order.

AT&T further submits that the administrative system issues described above need to be addressed separate and apart from the rules issues. The 1996 Telecommunications Act directed that “[t]he Commission shall create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis.”⁸ Over four years later the Commissions questioned “whether the current SMS/800 system is the best available means of administering toll free numbers.”⁹ And the Commission also concluded there that “continued ownership and control by the BOCs over the toll free number administration system may no longer be warranted for competitive reasons.”¹⁰ Today that system remains in place and, as the BOCs gain interLATA authority in more and more states, the issue of toll-free administrative neutrality becomes more acute. These concerns are highlighted by the North American Numbering Council’s (NANC) inability to “reach consensus on any [toll-free administrative] proposals” as requested by the Commission.¹¹

As these facts suggest, the Commission must act on its own initiative to address the pressing need for a truly neutral and cost efficient toll-free administration structure. While it is unlikely that a consensus will be reached among all interested parties about the implementation

⁸ 47 U.S.C. § 251(e)(1).

⁹ Fifth Report and Order, *In the matter of Toll Free Service Access Codes*, CC Docket No. 95-155, 15 FCC Rcd 11939, at 11949 (“Fifth Report and Order”).

¹⁰ *Fifth Report and Order*, 15 FCC Rcd 11939, at 11950.

of this neutral body, the up-coming forum could provide a useful mechanism for the Commission to solicit initial input it could then draw upon in drafting a notice of proposed rulemaking seeking formal comment on a number of administrative structure and funding questions. That rulemaking can then proceed on a parallel track with the initial rules discussion and issue investigation, although resolution of the administrative issues, through the rulemaking process, should precede any definitive system modifications.

The two main discussions referenced herein, rules and administration, can share the same genesis in an initial forum, but since the rules discussion is analytically distinct from the administration issue, the former may benefit from an iterative forum or workshop process that permits participants to build on constructive and insightful exchanges of information. Furthermore, the rules discussion has a materially significant impact on the daily operations of many toll-free customers whose input can be best facilitated through a forum format, whereas the administrative functionality issues and associated pricing mechanisms would be more appropriately briefed in a formal Commission proceeding.

Finally, AT&T offers the following suggestions regarding the format of the proposed forum. It is AT&T's experience that an open session format, as opposed to a panel response to Commission questions, provides the best opportunity to generate good and useful information. An open session allows for both an initial statement and subsequent responses that build on information present by other participants. In this way pertinent information and ideas can be

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¹¹ *Notice* at 3 (footnote 5). Since the toll-free database is owned and managed by the BOCs and generates revenues for them, it is highly unlikely a group of interested parties that includes the BOCs and non-BOCs will ever reach consensus on the issue of a neutral administrator.

exchanged and developed in a constructive atmosphere. For example, the successful Truth-In-Billing proceeding hosted by the Commission employed such an open discussion format. To facilitate the effectiveness of the open format, it would be helpful for the Commission to solicit specific questions in advance of a forum. The Commission should subsequently provide a list of the appropriate and ripe issues set for discussion at the next forum to the participants sufficiently before the next scheduled session. In this way participants could marshal their information and other inputs in advance of the forum, making the actual meeting more productive. At the forum, participants should be permitted to offer brief introductory comments, proposals or suggestions which would be followed by give and take dialogue among the group. A Commission representative should moderate the session to assure that all scheduled topics are allotted appropriate time and provide Commission perspective where appropriate.

CONCLUSION

For the foregoing reasons, the Commission should hold an initial toll-free forum, then begin a formal toll-free administrative issues proceeding and institute a series of toll-free meetings focused on rules issues structured to create a free and open exchange of issues and ideas that can best address the important customer effecting issues at hand.

Respectfully submitted,

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